

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

W HOLDING COMPANY, INC., *et al.*,

Plaintiffs,

v.

Civil Action No. 11-02271 (GAG)

**CHARTIS INSURANCE COMPANY OF
PUERTO RICO,**

Defendant.

**FEDERAL DEPOSIT INSURANCE
CORPORATION, AS RECEIVER OF
WESTERNBANK PUERTO RICO,**

Plaintiff-Intervenor

v.

FRANK STIPES GARCIA, *et al.*,

Cross-Claim Defendants,

**CHARTIS INSURANCE COMPANY OF
PUERTO RICO,**

Previously Joined Defendant,

**MARLENE CRUZ CABALLERO AND
THE FRONTERA-CRUZ CONJUGAL
PARTNERSHIP, *et al.*,**

Additional Defendants.

**DEFENDANT ACE INSURANCE COMPANY'S ANSWER AND AFFIRMATIVE
DEFENSES TO FDIC'S SECOND AMENDED AND RESTATED
COMPLAINT IN INTERVENTION**

For its answer and affirmative defenses to the Second Amended And Restated Complaint In Intervention (the "Complaint") [ECF Doc. No. 182], as amended by the Second Amendment To Second Amended Restated Complaint In Intervention [ECF Doc. No. 368], filed by Plaintiff-

Intervenor Federal Deposit Insurance Corporation (“FDIC”), as receiver of Westernbank Puerto Rico, Defendant ACE Insurance Company (“ACE”) restates and incorporates herein the respective responses and affirmative defenses set forth in its Answer And Affirmative Defenses To FDIC’s Second Amended And Restated Complaint In Intervention [ECF Doc. No. 331].

WHEREFORE, ACE respectfully requests that the FDIC’s Complaint be dismissed with prejudice; that ACE be awarded its costs, fees, and disbursements in this action; and that the Court grant ACE such other and further relief as the Court deems just.

Respectfully submitted this 2nd day of January,
2013, in San Juan, Puerto Rico,

S/ DAVID A. SHEDD

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this same date, and I hereby certify that I have uploaded a PDF version of this **DEFENDANT ACE INSURANCE COMPANY'S ANSWER AND AFFIRMATIVE DEFENSES TO FDIC'S SECOND AMENDED AND RESTATED COMPLAINT IN INTERVENTION** to the District Court's CM/ECF system, which will send notice electronically of its filing to each attorney of record.

Respectfully submitted this 2nd day of January,
2013, in San Juan, Puerto Rico,

S/ DAVID A. SHEDD

David A. Shedd, Esq.

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